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1947 - 48

File No 59 - 47

Previous References

(nil)

Serial Nos 51, 52

Later References

/

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Thro

Part B for June 48

SUBJECT

Procedure to be adopted for the recovery of certain long-standing arrears of Kadaitaja kāx in Narasimharajapuram Minor Municipality

5999

From The Deputy Commissioner
Chickmagalur District

No A3 PR 190/47 dated 7-4-1948

Seeks instructions as to the procedure to be adopted re recovery of certain long standing arrears of Mohalarfa tax in Nara Simharajapura Minor Municipality

1) Encl it is stated that a sum of Rs 307-7-0 is out standing under Mohalarfa taxes against 13 persons and that as the whereabouts of the owners are not known it is difficult to recover the arrears by means of Civil court suits

2) The resolution dated 26-10 of the Nara Simharajapura Minor MC is to to publish a notification in the official gazette calling upon the legal heirs or claimants to pay up the arrears within a month & get their names registered and that in the event of no such claimants coming forward the rules may be resumed by the MC

3) The Deputy Commissioner Chickmagalur District queries that as the action —

5999/sk 029

proposed to be taken by the MLG is not ~~law~~ Law
suggested by the Minor municipalities Act
or Rules thereunder, the Sales in question
should revert to the MLG in the absence
of proper claimants

4) The Municipality can resume
the Sales when there are no proper
claimants which fact ~~can~~ can
best be ascertained by the procedure
proposed to be taken by the MLG
though it is stated to be not covered
by Minor Municipalities Act or Rules
thereunder

5) For orders

16/4/48 6) The Law Branch may be consulted
to whether the Course of action taken by
the Rural Council is legal

19-4-48

(Dep Secy)

Law Secy
W/C

7) 20/4/48

GENERAL & REVENUE SECRETARIAT
20APR1948
GENERAL & REVENUE
30APR'948
LAW BRANCH

5999/M 6029/Cons.

8) The Ad Sectt will kindly furnish the following information,

1) Whether there are any rules framed re, taxation by the municipality,

2) Whether the rules or by laws prescribe any mode of recovery of taxes

MLR) 22/4 Asst for Rev) 21/4

Fr 24/4/48

10) A copy of the Rules Regulating Taxation in the Minor Municipalities in the State is put up

11) The mode of recovery of octroi, toll and every other tax is indicated in chapter VI of the book referred to above

12) The procedure for the recovery of municipal taxes is also indicated in section 70 of the Minor Municipalities Act of 1933, copy of which extract may be obtained from the records.

13) The file may now be sent to the Law Branch

GENERAL & REVENUE SECRETARIAT 30APR1948 LAW BRANCH

29/4

Fr 30/4 Asst 29/4

14) Law Branch under recpt

30/4/48

5999

6029
Law

15) The facts of the case are explained in the letter of the Deputy Commissioner, dated 7th April 1948

16) The Municipality propose to notify in the Gazette calling upon the 'holders' of certain sites to pay up arrears of taxes relating to the period prior to 1935-36, failing which to resume the sites to the Municipality In the matter of collection of taxes the specific statutory mode has to be pursued Sec 70 of the Minor Municipalities Act read with the Rules regulating taxation in the Minor Municipalities in the State (Sch XI) provides only for distress The dues can be recovered by occupiers provided the amount is not due for more than a year

17) Nothing in the Act or the Rules, however, precludes the Municipality from resorting to Civil courts

18) The present procedure suggested by the Municipality (viz resumption after notice) does not appear to be warranted by the Act It is not clear why the Municipal Advocate expressed inability to file suits on the ground that the addresses are not known Whatever address is known as 'holder' may be put in and exparte decrees obtained and possession taken

Law fcs)

fs 10/5

RECEIVED 6999 10 MAY 1948

19) I agree There is no provision under which action such as I have proposed can be taken After a Dharmasala is declared as open to the Municipality to execute the same in the Secular ways prescribed by Law

Rao Saheb MC) 11/5 fs 11/5

DEPUTY SECRETARY 11/5 TO GOVERNMENT

Hde 59-47 5999/M

20) Subd The Deputy Commissioner Chickmagalur district may perhaps be requested to advise the Narasimharajapura mlf to take action as suggested in para 18 above

bs 21/5/48

21) Yes, pl please

21/5

22) Subd with a dft for appt — retirement

bs 25/5/48

Pr 25-5-48. new reply) Law 25/5

The draft does not appear to be altogether at 'A' — Please revise & submit

Revised draft

Pr 26/5/48

26/5

26/5

For perusal before issue

Secretary) L. S. 8

26/5

2/6/48

8/7/6

To The Dy Commr, Chickmagalur

No L 17488 & 9-6-48

Requests that the mlf may be advised to take necessary action

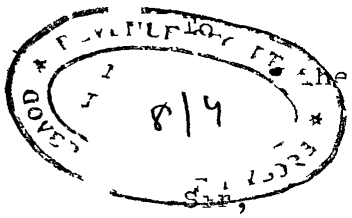
B 21/6

OFFICE OF
THE MINISTER FOR
LOCAL SELF GOVERNMENT
No 2736
Date 85

ML 59-47-51

No 43-P R 190/47
Fnc one file

Office of the Deputy Commissioner,
Chickmagalur District,
Chickmagalur, dated the 7th April 1948



The Secretary to Government,
Revenue Department,
Bangalore

Subject - Recovery of certain long standing arrears of Mohatarfa taxes in Naras mharajapura Minor Municipality

In forwarding herewith the connected papers received from the President, N R Pura Minor Municipality, I have the honour to state that it is reported by the President of the said Municipality that a sum of Rs 307-7-0 is outstanding under Mohatarfa taxes against 13 persons noted in the enclosed statement In 10 cases, the arrears relate to the period prior to 1935-36 The whereabouts of the owners of these sites in question are not known As the names and other particulars of their heirs also are not known, it is difficult to recover the arrears by means of civil court suits

It is explained by the President that on account of the reasons enumerated below, the prompt recovery of the amounts as and when they fell due could not be effected

1 Regular bazipatti was not maintained for several years

2 For the collection work, no whole-time bill collector was employed by the Municipality

3 Frequent changes in the personnel of the Officers Deputy Amildars or Amildars in charge of the Sub Taluk are being appointed as Ex-Officio Presidents of the Municipality

The Municipal Council have passed a resolution on 26-12-1947 that a notification may be published in the official Gazette calling upon the legal heirs or other claimants to pay up the arrears within a month from the date of publication and get their names registered as owners lawful ~~xxrxxxx~~ of the said sites in respect of which the arrears have accumulated, and proposing in the event of no such claimant coming forward the resumption of the sites to the Municipality The Compiler, Mysore Gazette has been addressed in this behalf by the

b the Pres dent As the abs not on h the unicipal Council is not suggested by the minor unicipalities Act or the rules made there-under, I eel that the action taken does not seem to be regular In the absence of proper claimants, the sites in question should revert to the unicipality I solicit kind instructions of Govern ent in this behalf at an early date

I have the honour to be
Sir,
Your most obedient servant,

W B. Meeee

For Deputy Commissioner,
Chickmagalur District,
(Absent from Headquarters)

Draft for appl

L 17488/ -to / ml 59-47-52

9-6-48

The Deputy-Comm^r
-Chenkmagalur district

Sir,

Re: Recovery of certain long standing arrears of Mohatarfa tax in Narasimharajapura Minor Mty

With reference to your letter No A3 PR 190/47, dated 7-4-1948, on the above subject, I am directed to state that there is nothing in the ~~Act~~ Minor Municipalities Act or the Rules thereunder which precludes the Mty from resorting to civil courts,

that the present procedure suggested by the MC (viz resumption after notice) does not appear to be warranted by the Act It is also not clear why the M ~~cannot~~ Advocate expressed inability to file suits on the ground that the addresses are not known Whatever address is known ~~of the~~ as 'holder' may be put in and ex parte decrees obtained and possession taken

I am therefore to request you to advise the MC before to take action accordingly

The connected records are herewith returned

I have etc

Revenue Secretary

Pr. 25-5-48 by